

REMARKS

1. This response includes the required item of an abstract. No other item is believed due.

2. Applicants' petition that the reply period for responding to the Notice of Incomplete Reply be reset due to the delay in mail delivery.

On November 19, 2001, Applicants mailed a response the Notice of Missing Parts. A copy of the Certificate of Mailing meeting the requirements of 37 C.F.R. § 1.8 is attached hereto. The response to the Notice of Missing Parts was timely filed within the statutory two-month time period. According to the Notice of Incomplete Reply dated January 22, 2002, the U.S.P.T.O. did not receive Applicants' response to the Notice of Missing Parts until January 9, 2002, well after the date on which it was mailed. This delay in mail delivery allowed a significant period of time to elapse before Applicants became aware of the deficiency in the response filed on November 19, 2001. Applicants' response filed on November 19, 2001 was a bona fide attempt to comply with the notice of missing parts, and included payment of claim fees, and a completed oath and declaration. An abstract was inadvertently omitted from the response.

According to the Notice of Incomplete Reply, the period for response to the Notice is based on the reply period set for the Notice of Missing Parts, dated September 17, 2001. Since Applicants only received the Notice on January 25, 2002, only the third and fourth months of extension remain in the statutory period. It is submitted that had Applicants' Response to the Notice of Missing Parts been timely received by the U.S.P.T.O.,

Applicants would have had the opportunity to file a response to the Notice of Incomplete Reply within the first extension month. The delay in receipt by the U.S.P.T.O. of the response to the Notice of Missing Parts is not the fault of the Applicant, and unnecessarily increases the required extension fee due by a substantial amount. Since the delay in mail delivery is not Applicants' fault, it would be appropriate and reasonable to reset the statutory reply period and allow Applicants to file this response within the first extension month.

In a telephone conference between the undersigned and Monica Young of the U.S.P.T.O. Customer Service Center on January 29, 2002, Ms. Young recommended that Applicants' Response to the Notice of Incomplete Reply be filed without an extension fee, noting that the response would have been otherwise timely without the delay in the mail. However, Applicants believe that a one-month extension fee would likely have been required even without the delay in the mail, and that fee is enclosed herewith.

Therefore, due to the delay in mail delivery and the late receipt by the U.S.P.T.O. of Applicants' Response to the Notice of Missing Parts, Applicants respectfully request that the time period for Applicants to respond be reset, and Applicants be allowed to file its response to the Notice of Incomplete Reply with only a one-month extension fee.

3. It is also noted that the parent patent application, Serial No. 08/973,293, of the above-referenced continuation patent application includes an Abstract and therefore was available in the Application as filed. Thus, the subsequent requirement to submit a separate Abstract is technically moot.

A check in the amount of \$110 is enclosed for a one-month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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Michael Clorite
Reg. No. 44,620

2/1/02
Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Box Missing Parts, Commissioner of Patents, Washington, D.C. 20231.

Date: 2/1/02

Signature: Erika Palmer
Person Making Deposit